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**OFFICE OF PETITIONS**

In re Application of :  
W. Eli Strich et al :  
Application No. 10/021,865 : DECISION ON PETITION  
Filed: December 17, 2001 :  
Attorney Docket No. QCPA113B1C1 :

This is a decision on the petition under 37 CFR 1.137(b), filed June 29, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed August 31, 2006, which set a shortened statutory period for reply of three (3) months. No extensions of time were obtained under the provisions of 37 CFR 1.136(a). Accordingly, the application became abandoned on December 1, 2006. A Notice of Abandonment was mailed on April 3, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$1,500, and (3) an adequate statement of unintentional delay. Accordingly, the reply to the Office action of August 31, 2006 is accepted as being unintentionally delayed.

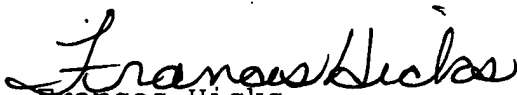
The rule at 37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Since the statement appearing in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the required statement. Petitioner must notify the Office if this is not a correct reading of the statement appearing in the petition.

The petition is accompanied by the filing of a request for continued examination under 37 CFR 1.114. However, as prosecution of this application is not closed, the filing of the request under 37 CFR 1.114 is inappropriate and will not be

entered. The \$790 filing fee submitted therefor will be refunded to petitioner's deposit account in due course.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3218 or to the Office of Petitions Help Desk at (571) 272-3282 after January 3, 2008.

This application is being referred to Technology Center AU 2611 for appropriate action in the normal course of business on the reply received June 29, 2007.

A handwritten signature in cursive script, reading "Frances Hicks".

Frances Hicks  
Petitions Examiner  
Office of Petitions